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C.M.A.No.3666 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3666 of 2014

1.Mahendran
2.Panchali

... Appellants

Vs.

1.D.Sadasivam

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division II) Ltd.,
Chennimalai Road,
Erode.

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 27.08.2014 made in MACT.O.P.No.14 of 2014 on the file of the Motor Accidents Claims Tribunal (Subordinate Court), Perundurai.

For Appellants : Mr.C.Munusamy
For Respondents : R1 – NDW as per order dt.2.3.15
Mr.Murali Vinod for R2

J U D G M E N T

This appeal has been filed by the appellants/ claimants seeking

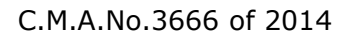


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enhancement of the compensation awarded by the Motor Accidents Claims Tribunal (Subordinate Court), Perundurai, in the judgment dated 27.08.2014 made in M.C.O.P.No.14 of 2014.

2.The brief facts of the case is that on 25.10.2013 at about 13.30 hours one M.Sabarinathan was riding the motor cycle bearing Registration No.TN 33 Q 5479 from Perundurai to Coimbatore N.H.47 Main Road opposite to Tharagani Velganishing Centre shop. At that time, the State Transport Corporation Bus driven by the first respondent bearing Registration No.TN 33 N 2983 came from opposite direction in a rash and negligent manner and hit the motor cycle due to which, the said M.Sabarinathan sustained injuries all over the body and thereafter died on 29.10.2013 at K.M.C.H. Coimbatore.

3.Thereafter, the parents of the deceased M.Sabarinathan/ appellants/ claimants filed claim petition in M.C.O.P.No.14 of 2014 before the Motor Accidents Claims Tribunal, claiming a sum of Rs.40Lakhs as compensation for the death of their son and the Tribunal vide judgment dated 27.08.2014 awarded a sum of Rs.15,50,480/- along with interest at the rate of 7.5% per annum



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25.10.2013 at about 13.30 hours one M.Sabarinathan was riding the motor cycle bearing Registration No.TN 33 Q 5479 from Perundurai to

Coimbatore N.H.47 Main Road opposite to Tharagani Velganishing Centre shop. At that time, the State Transport Corporation Bus driven by the first respondent bearing Registration No.TN 33 N 2983 came from opposite direction in a rash and negligent manner and hit the motor cycle due to which, the said M.Sabarinathan lost his life.

8.The Tribunal after considering all the factual aspects and since the deceased was only 23 years old, correctly adopted multiplier 18 and awarded a sum of Rs.15,50,480/- along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit with costs as compensation to the appellants, which is just and reasonable and hence the impugned judgment warrants no interference.

9.The civil miscellaneous appeal stands dismissed. The judgment and decree dated 27.08.2014 made in M.C.O.P.No.14 of 2014 by the Motor Accident Claims Tribunal (Subordinate Court), Perundurai, is confirmed.



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10.The second respondent/ Transport Corporation is directed to deposit the entire award amount before the Tribunal within a period of

four weeks from the date of receipt of a copy of this order, if not already deposited. On such deposit, the appellants/ claimants are permitted to withdraw the entire compensation amount with accrued interest and costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal. The appellants/ claimants shall not be entitled to any interest for the period of delay, if any, in filing the appeal.

11.The civil miscellaneous appeal is dismissed. No costs.

11.10.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Motor Accidents Claims Tribunal (Subordinate Court),
Perundurai.

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M.DHANDAPANI,J.
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